

EXHIBIT C

ORIGINAL

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JANNIE PILGRIM, GIOVANNA HENSON,
JESAN SPENCER and BRENDA CURTIS,

Plaintiffs, '07 CIV

-against- 6618

THE MCGRAW-HILL COMPANIES, INC.,
Defendant.
-----X

January 11, 2008

9:58 a.m.

Deposition of BRENDA CURTIS, held at
the offices of Proskauer Rose LLP, 1585
Broadway, New York, New York, pursuant to
Notice, before Mildred Cassese, a Registered
Professional Reporter and Notary Public of
the State of New York.

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1 **B. Curtis**

2 Q. Could you tell me the rest?

3 A. Yes. I reported racial discrimination
4 to Maryann Gattinella, and expressed to her that I
5 believe that I was not getting considered for
6 positions within McGraw-Hill because of it.

7 I told Gattinella that I watched
8 African American people train white people to
9 replace them as their manager with evaluations.

10 And some of these people have left
11 because, you know, it's very demeaning. They've
12 moved on, but they had an exit interview. I
13 didn't have an exit interview.

14 So that's another form of retaliation.
15 They never gave me an exit interview.

16 Joyce Hunsucker would not get back to
17 me on positions that I would discover were opened
18 until after, according to her, they were filled.

19 I later found that the positions were
20 not filled at that time.

21 I went on an interview with Nancy
22 Tomeo and Craig Swagger for four positions
23 actually that were available, to my knowledge, all
24 four were available, and at the time when I sat
25 there one was reporting into a Tom Gillis.

1 **B. Curtis**

2 We discussed the others but the one
3 that they wanted to consider me for and they were,
4 like, trying to fill quickly was the Tom Gillis
5 position.

6 They refused to further me into the
7 hiring manager, which was Tom Gillis, so I never
8 got to meet Tom Gillis, and I was told bogusly
9 that they were not available at first. I was told
10 that they were in London, only to find out that
11 they were not in London at the time, they were
12 actually in the office.

13 Then I get a phone call from Nancy
14 Tomeo at home saying she decided that I was
15 overqualified.

16 After she said that I went in to ask
17 her, you know, I start -- I didn't understand why
18 I was not being sent on to the hiring managers,
19 because I'm over -- that made no sense to me. I'm
20 qualified to do the job, so I was qualified.

21 This matter of being overqualified,
22 that's a matter of opinion. Unless you're
23 actually in the position you cannot say whether a
24 person is not going to do good or is going to be
25 board; you can't say that. A lot of people know

1 **B. Curtis**

2 Q. Could you look at Exhibit 4, please.

3 In your complaint you allege that you
4 applied for seven positions that you were
5 qualified for.

6 A. Yes.

7 Q. And if you look at interrogatory No.
8 14 and your answer to it, are those the seven
9 positions that you applied for for which you were
10 qualified?

11 A. This is after I left? Are you saying
12 after I left?

13 Q. I'm saying after you were advised that
14 your job was being eliminated.

15 A. Okay.

16 This only lists five.

17 Q. Are those the jobs you applied for?

18 A. Applied for others, yes, but these are
19 some of them, yes.

20 Q. Well, I thought you said that your
21 answers to interrogatories were complete.

22 Are you now telling me that you gave
23 me incomplete answers?

24 A. I probably --

25 **MR. SOLOTOFF:** You know, counsel,

1 **B. Curtis**

2 that is outrageous.

3 **MR. RASIN:** You can say whatever you
4 want. Just object and that's all you have
5 to do.

6 **MR. SOLOTOFF:** My objection is the
7 interrogatory says plaintiff filed --

8 **MR. RASIN:** Don't read the
9 interrogatories. She can read --

10 **MR. SOLOTOFF:** Notice my objection.

11 **MR. RASIN:** It's noticed.

12 **MR. SOLOTOFF:** Thank you.

13 Q. Is this a complete list of the jobs
14 you applied for?

15 A. No. There are others.

16 Q. Why didn't you give me a complete list
17 when you answered the interrogatory?

18 A. You know, there's some things that I
19 applied for like the structured finance, there
20 were a few admin spots that I was applying for.

21 Q. That's here.

22 A. That's one.

23 Q. It says apply for two positions.

24 A. Well, there was four.

25 Q. Why didn't you put that in your

1 **B. Curtis**

2 answers to interrogatories?

3 A. Because -- well, he's saying here that
4 I filed for additional positions.

5 I didn't list everything. Was I
6 supposed to list everything?

7 Q. You told me this morning, you swore
8 that your answers were complete.

9 A. I swore they were correct.

10 Q. You also swore that they were
11 complete.

12 A. I did?

13 Q. Yes.

14 So you're now telling me your answers
15 are incomplete; is that right?

16 A. No. It says here the plaintiff filed
17 for additional positions without acceptance, so
18 it's not -- I just didn't list them all. There
19 was another, a Cliff Griep -- because, you know,
20 they didn't take my application for, like, Cliff
21 Griep, and there was -- I think there was an
22 application for Paul Coughlin. I don't remember
23 the department that he was in.

24 I don't remember where Cliff Griep
25 was. I can't give you information I don't

1 **B. Curtis**

2 remember. If I don't remember where -- what
3 department, the person, I cannot tell you, give
4 you that information. I don't remember what
5 department Cliff Griep was in. I didn't fill an
6 application out.

7 Q. You applied for a job in global
8 licensing and the contracts group, right?

9 A. That's correct.

10 Q. That was an office manager job?

11 A. That's correct.

12 Q. You applied online?

13 A. Yes, I did.

14 Q. Did you get interviewed?

15 A. Yes, I did.

16 Q. Who interviewed you?

17 A. I think Yvonne English.

18 Q. Anybody else interview you?

19 A. Not that I can remember.

20 Q. Did the hiring manager interview you?

21 A. She is the hiring manager.

22 Q. Did you -- did someone in HR interview
23 you?

24 A. I don't recall.

25 Q. Did you get that job?

1 **B. Curtis**

2 A. No, I did not.

3 Q. Who got that job?

4 A. It was a person in that department, in
5 global licensing and contracts.

6 Q. Who was the person?

7 A. I don't remember her name.

8 Q. What was the race of the person?

9 A. She's Latino.

10 Q. You don't remember her name?

11 A. No, I don't.

12 Q. The next job is marketing, graphic
13 designer position?

14 A. Right.

15 Q. Did you apply for that job?

16 A. Yes, I did.

17 Q. Did you get an interview?

18 A. No, I did not.

19 Q. Had you ever worked in any job as a
20 graphic designer?

21 A. No, I have not, but I was actually
22 referred to this person by Vlad himself.

23 Q. But had you ever worked as a graphic
24 designer?

25 A. No, I had not.

1 **B. Curtis**

2 Q. In your entire career you've never
3 worked as a graphic designer?

4 A. No.

5 Q. Do you think you were qualified to be
6 a graphic designer?

7 A. Yes.

8 Q. Why?

9 A. Because I've been doing that at home.

10 Q. You've been doing it professionally at
11 home?

12 A. Like I told you, I do logos, I do
13 business cards, stationery. It's all a part of
14 graphic designing.

15 Q. Do you know who got that job?

16 A. No, I do not.

17 Q. Do you know the race of the person
18 that got that job?

19 A. No, I do not.

20 Q. Which of these jobs was filled by a
21 Caucasian?

22 A. I'm not sure.

23 Q. Do you know if any of these jobs was
24 filled by a Caucasian?

25 A. I couldn't know that after I'm not

1 *B. Curtis*

2 there. When you leave, you don't know.

3 Q. Well, would you look at interrogatory
4 number 50.

5 A. Yes.

6 Q. On what basis are you saying that the
7 jobs were filled by Caucasians?

8 A. On the basis of after I left.

9 Q. I don't understand your answer. On
10 the basis after you left --

11 A. Okay. I wouldn't have -- I wouldn't
12 know that while I was there or while I'm applying
13 for a position until actually I sit down and I can
14 look at evidence of your -- the applications,
15 which shows that -- I really don't know who the
16 people are, but I'm going by the name. It looks
17 like they could be Caucasian or there was no one
18 selected for the position, like, okay, of one,
19 there's a position, I believe, the structured
20 finance position was filled by a Caucasian, I
21 believe.

22 Q. Who was that?

23 A. I don't remember the name.

24 Q. Where did you get this name?

25 A. I believe it's on the application.

1 **B. Curtis**

2 Q. Whose application?

3 A. Their application.

4 Q. When did you review the application of
5 the person who got the job?

6 A. I saw several applications yesterday,
7 as I explained to you.

8 Q. So yesterday was when you realized
9 that it might be a Caucasian who got the job; is
10 that correct?

11 A. Yeah.

12 Q. Then when you answered these
13 interrogatories on December 11th on what basis did
14 you swear that it was Caucasians who got the job?

15 A. On what basis did I swear it was
16 Caucasians that got the job?

17 Q. Right.

18 A. Well, that was the common practice of
19 McGraw-Hill. When I was there I watched black
20 people train white people and later they'd have to
21 report to them and then white people would leave.
22 It happened to me.

23 **MR. SOLOTOFF:** You mean --

24 Q. Ms. Curtis, until yesterday you had no
25 idea who was hired for these jobs; is that

1 **B. Curtis**

2 correct?

3 A. I didn't know -- I don't know the
4 people, no, I don't know them. I can't say I know
5 them.

6 Q. Ms. Curtis, until yesterday you didn't
7 know who got these seven jobs; is that correct?

8 **MR. SOLOTOFF:** Notice my objection.
9 You're beginning to harass the witness.

10 **MR. RASIN:** I'm not harassing the
11 witness.

12 **MR. SOLOTOFF:** It says, upon
13 information and belief --

14 **MR. RASIN:** You don't have to read
15 me the interrogatory -- it's my deposition,
16 Larry.

17 **MR. SOLOTOFF:** Do not harass the
18 witness.

19 **MR. RASIN:** I'm not harassing the
20 witness.

21 **MR. SOLOTOFF:** It also says or by
22 persons with equal or less qualifications.
23 Why don't you read the whole thing.

24 **MR. RASIN:** Larry, you're coaching
25 her.

1 **B. Curtis**

2 Q. It was yesterday that you learned who
3 were hired for these jobs; is that correct?

4 A. I learned -- I learned that some of
5 them could have been Caucasian by going by the
6 name.

7 Q. Yesterday, correct?

8 A. Yes.

9 Q. And before that you had no idea who
10 got the job; is that correct?

11 A. It was my suspicion.

12 Q. But before yesterday you had no idea
13 who was the successful candidate for these seven
14 jobs; is that correct?

15 **MR. SOLOTOFF:** Asked and answered.

16 Asked and answered --

17 Q. Is that correct --

18 **MR. RASIN:** That's enough, Larry.

19 **MR. SOLOTOFF:** Asked and answered.

20 **MR. RASIN:** Larry, you're not the
21 judge.

22 **MR. SOLOTOFF:** Excuse me, we can call
23 the judge.

24 **MR. RASIN:** If you'd like.

25 **MR. SOLOTOFF:** Okay, the fact of the

1 **B. Curtis**

2 matter is you're asking her a dozen times.

3 **MR. RASIN:** Enough, Larry --

4 **MR. SOLOTOFF:** Stop --

5 **MR. RASIN:** She's not answering.

6 Q. Until yesterday you had no idea who
7 got these jobs; is that correct?

8 A. No. I suspected -- I'm going to --

9 Q. But did you know the names of anyone
10 who got the job --

11 **MR. SOLOTOFF:** She's answering your
12 questions -- it's all on the record. Let
13 the video show what you're doing --

14 A. I still don't know the names of the
15 people.

16 **MR. RASIN:** The video will show.

17 Q. The executive assistant,
18 administrative position that you put here, did you
19 get interviewed for that job?

20 A. Structured finance?

21 Q. No. It said administrative position
22 as executive assistant.

23 A. And then it says structured finance.

24 Q. I think that's the next job.

25 A. The first one says administrative

1 **B. Curtis**

2 position as an executive assistant structured
3 finance.

4 Q. I think there's a colon between
5 assistant and structured finance, or a semi colon.

6 A. So what is this position for? You
7 have to be clear.

8 Q. This is your answer, not mine.

9 A. No. This is administrative position
10 as an executive assistant structured finance.
11 That's what it is.

12 Q. Did you interview for those jobs?

13 A. Yeah. I applied for two positions. I
14 interviewed for one, but was blocked by Nancy
15 Tomeo, who said I was overqualified.

16 Q. Who did you interview with?

17 A. Nancy Tomeo.

18 Q. And who is she?

19 A. She's the office manager.

20 Q. Do you know who got that job?

21 A. I believe it to be a Caucasian.

22 Q. Do you know who got the job? Do you
23 know the name of the person --

24 A. I don't know the name of the person.

25 Q. Do you know the race of the person who

1 **B. Curtis**

2 got the job?

3 A. I believe it to be Caucasian.

4 Q. Do you know the race of the person who
5 got the job?

6 **MR. SOLOTOFF:** Asked and answered.

7 Q. Do you know it as a fact?

8 A. I believe them to be Caucasian.

9 Q. There is a job called executive
10 managing director office manager.

11 Do you see that job?

12 A. Yes.

13 Q. Did you interview for that job?

14 A. Oh, yeah, that was my job.

15 Q. Whatever job it was, did you interview
16 for it?

17 A. Well, for my job, yeah, sure I did.

18 Q. Are you talking about interviewing for
19 your job in 2002?

20 A. I mean that was my job, yeah, I was an
21 office manager for an executive managing director.

22 Q. Did you interview for a job after you
23 were informed --

24 A. I --

25 Q. Let me finish.

1 **B. Curtis**

2 **MR. SOLOTOFF:** Wait until he finishes
3 the question.

4 Q. Did you interview for a job after you
5 were informed that your job was being eliminated,
6 another job as an office manager for an executive
7 managing director?

8 A. Yes, I did.

9 Q. And did you get interviewed for that
10 job?

11 A. Yes, I did.

12 Q. Who interviewed you?

13 A. Lorraine Muller, I believe -- was it
14 Lorraine Muller -- yeah, I believe it was Lorraine
15 Muller and Doris Agosto.

16 Q. Who is Lorraine Muller?

17 A. She is -- I don't remember what her
18 duties are -- I think she's an office manager.

19 Q. Was she the hiring manager for the
20 job?

21 A. No.

22 Q. Who was the hiring manager for the
23 job?

24 A. Paul Coughlin.

25 Q. Did you interview with Paul Coughlin?

1 **B. Curtis**

2 A. Yes, I did.

3 Q. Did you get that job?

4 A. No, I did not.

5 Q. Do you know who got that job?

6 A. It was a person in the department.

7 Q. Do you know the name of the person
8 that got the job?

9 A. No, I don't know the name.

10 Q. Do you know the race of the person
11 that got the job?

12 A. I believe that to be Latino, but I'm
13 not certain. It could be Caucasian.

14 Q. You applied for a job as assistant
15 compliance officer?

16 A. Correct.

17 Q. Did you get interviewed for that job?

18 A. No, I did not.

19 Q. Had you ever done any compliance work
20 in your career?

21 A. I was doing it in my position.

22 Q. What is compliance work?

23 A. I was doing, I was making sure that my
24 department complied with the rules and regulations
25 given forth by the company, and this was involving

1 **B. Curtis**

2 SEC, all the -- you know, the code of ethics, all
3 kinds of -- I had to make sure everybody signed
4 the code of ethics, so I worked closely with that
5 and I worked closely with the compliance office.

6 And that's why I was interested in
7 that position, because I worked closely with them,
8 so I knew everything that they were doing.

9 Q. Have you ever done a job as a
10 compliance officer?

11 A. No, I have not.

12 Q. Did that job, was one of the
13 requirements of that job to have a four-year
14 degree?

15 A. I don't remember.

16 Q. Who did you work with in compliance?

17 A. I don't remember the people that I
18 worked with.

19 Q. Part of your job working for -- as the
20 office manager was to assure that people complied
21 with the code of business ethics at McGraw-Hill;
22 is that what you --

23 A. That's correct.

24 Q. Did you, was it part of your job to
25 know the code of business ethics at McGraw-Hill?

1 *B. Curtis*

2 things I had to sign.

3 Q. Well, at the time when you were asked
4 to read and sign the code of business ethics, did
5 you do so?

6 A. Yes, I did.

7 Q. Did you take that seriously?

8 A. Oh, yes.

9 Q. And you were required to read and sign
10 that code of business ethics every year; is that
11 correct?

12 A. That's correct.

13 Q. And every year when you read and
14 signed that code of business ethics, did you take
15 it seriously?

16 A. Yes, I did.

17 Q. And were you truthful in your
18 affirmation each year as to that code of business
19 ethics?

20 A. Yes, I was.

21 Q. Now, did you apply for any other jobs
22 at McGraw-Hill other than the ones that are listed
23 in your answer to interrogatory No. 14?

24 A. Yes, I applied for a position with
25 Cliff Griep that's not listed here and I don't

1 **B. Curtis**

2 Hunsucker about it because I found out that it had
3 opened up.

4 Q. And the job for Mr. Held, what job was
5 that?

6 A. I believe that was an IT position.

7 Q. What was the position?

8 A. It was an administrative executive
9 assistant or something like that.

10 Q. Did you apply for that job online?

11 A. Yes, I did.

12 Q. When did you apply for that job?

13 A. I think it was around November, it
14 could have been, November of 2005 maybe, November,
15 December.

16 Q. Did you get interviewed for that job?

17 A. No, I did not.

18 Q. Who was the HR rep or the hiring HR
19 person for that job?

20 A. I don't remember if it was Valerio or
21 Mariano. I'm not certain.

22 Q. Did you interview for that job?

23 A. No, I did not.

24 Q. Do you know who got that job?

25 A. I don't know the person.